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Great power responsibility, side-effect harms and American drone strikes in Pakistan¹

Abstract

In International Relations, the actions of great-powers are usually assessed through their direct effects. Great powers are generally considered to be responsible for the consequences of their actions if they intentionally caused them. Though there is discussion on ‘double effects’ and ‘side-effect harms’ in the realms of philosophy and political sociology, these largely remain absent from the field of International Relations. This article bridges that gap by clarifying a set of yardsticks through which side-effect harms of great powers’ actions can be evaluated, including ‘capacity’, ‘historical precedent,’ ‘voluntarism’ and ‘unintentional causality.’ These yardsticks are deduced through the Theory of Special Responsibilities, which combines elements of Constructivism and the English School. The theoretical framework presented is then applied to the case of American drone strikes in FATA. A number of terrorists in FATA have relocated elsewhere within Pakistan to escape these strikes, subsequently harming individuals in new locations. The contribution asks who bears responsibility for the harm brought to civilians by these dislocated terrorists. Analysis from the perspective of the theoretical framework, constructed and applied here, suggests that even if the US may claim not to have directly intended such an outcome, it still shares some responsibility for the harm to innocent civilians.

Keywords: Great power responsibility, direct effects, side-effect harms, Pakistan, drones, terrorist relocation,

1. Introduction

International Relations academics have shown enormous interest in studying the institution of ‘great powerhood’ in the last three decades by asking whether great responsibilities come with great power.² Originating in the late 1970s, this trend is rooted in the thought that great powers are supposed to promote not only their national interest, but also the interest of wider international society.³ However, most of the research on great-power responsibility concerns either assessing the direct effects of the actions of the existing great powers⁴ or how those

¹ The author is grateful to Professor Mlada Bukovansky, Dr Scott Thomas and two anonymous reviewers for their valuable feedback on the article’s earlier drafts.

² Chris Brown, ‘Do great powers have great responsibilities? Great powers and moral agency,’ *Global Society*, 18 (1), pp. 5–19.

³ The writings of Martin Wight and Hedley Bull are at the forefront in that first wave. For details, see Martin Wight, *System of States* (Leicester: Leicester University Press, 1977), p. 42; Hedley Bull, *Anarchical Society: The Study of Order in International Politics* (London: Palgrave, 1977), pp. 194–222. Hedley Bull, ‘The great irresponsible? The United States, the Soviet Union and world order,’ *International Journal*, 35(3), 1980, pp. 437–447. It might be worth noting that Wight was building on Alfred Zimmern’s views put forth in the 1940s. For details, see Mlada Bukovansky, Ian Clark, Robyn Eckersley, Richard Price, Christian Reus-Smit, Nicholas Wheeler, *Special Responsibilities: Global Problems and American Power*, (Cambridge: Cambridge University Press, 2012), p. 36.

⁴ Bull, ‘The great irresponsibles.’ Wali Aslam, ‘Operation Iraqi Freedom: A prudent action by a responsible great power?’ *Journal of Global Ethics*, 6(3), pp. 305–21.

who are not considered great powers could assume that status by engaging in practices in which great powers ought to engage.⁵ There has been limited focus in the field of International Relations on highlighting yardsticks that may assist with determining how great powers can be held accountable for the side-effect harms of their actions, and in particular for the side-effects that were not directly intended. The Doctrine of Double Effect (DDE)⁶ and Consequentialism⁷ are approaches that are often employed in connection with the issues of intentions, actions and consequences in the fields of philosophy and political sociology, but such a discussion is largely absent from the realm of International Relations theories. This lack of IR theoretical tools available to help assess side-effect harms of the great powers' actions does not help with apportioning responsibility for these actions. One such case is the side-effect harm caused by American drone strikes in FATA. These strikes have been the focus of much critical assessment from various perspectives, such as ethical⁸ and legal.⁹ However, there has been limited examination of how these strikes affect the society of the targeted state. For example, limited academic examinations exist covering the side-effect harms of these strikes borne by Pakistani society due to terrorist relocation. Evidence suggests that American strikes have played a role in dislocating a number of terrorists from FATA who move to new locations and continue their lethal activities there.¹⁰ Here a pertinent question arises: who bears responsibility for the harmful consequences of terrorists' relocation when they continue to harm civilians and break the law elsewhere? This question sheds light on a

⁵ Linda Quayle, 'Power and paradox: Indonesia and the "English School" concept of Great Powers,' *International Relations of the Asia-Pacific*, 13(2), 2013, pp. 301-330.

⁶ For a useful overview see P. A. Woodward (Ed.), *The Doctrine of Double Effect; Philosophers Debate a Controversial Moral Principle* (Notre Dame: Indiana, University of Notre Dame Press, 2001); Danny Marrero, 'Is the appeal of the doctrine of double effects illusory,' *Philosophia*, Vol. 41, pp. 349-359

⁷ For a brief but useful overview see 'Consequentialism' in the Stanford Encyclopaedia of Philosophy, 27 September 2011; available at <http://plato.stanford.edu/entries/consequentialism/>; accessed on 26 February 2015.

⁸ Christian Enemark, 'Drones over Pakistan: Secrecy, Ethics and Counterinsurgency,' *Asian Security*, 7(3), 2011, pp. 218-237.

⁹ For example, see Mary Ellen O'Connell, 'Unlawful killing with combat drones,' A Case Study of Pakistan, 2004-2009, Notre Dame Legal Studies Article number 09-43, Notre Dame Legal Studies Article No. 09-43. Available at SSRN: <http://ssrn.com/abstract=1501144>

¹⁰ See for example Imtiaz Ali, 'Karachi becoming a Taliban safe haven?' *Combating Terrorism Centre*, 13 January 2010; available from <http://www.ctc.usma.edu/posts/karachi-becoming-a-taliban-safe-haven>; last accessed on 6 June 2014.

gap in the IR theoretical literature concerning the side-effect harms of the actions of great powers; IR theory has lacked the necessary tools that may help with answering this question. This article bridges that gap by developing a framework consisting of yardsticks through which responsibility in such situations can be ascertained. The argument suggests that studying responsibility through intentional causality and direct effect will provide only limited answers to a number of questions concerning great powers' policies. There is a need to consider other yardsticks when apportioning responsibility for their actions; these include 'capacity,' 'historical precedent,' 'voluntarism' and 'unintentional causality.' The framework is deduced from the Theory of Special Responsibilities¹¹ of great powers, established on a combination of English School and Constructivist ideas.

This contribution applies that framework to the case of terrorist relocation due to American drone strikes in FATA to demonstrate its suitability and applicability for such assessments. Using these yardsticks, the article argues that the targeting state (in this case the United States) bears responsibility for the indirect-but-harmful consequences of terrorist relocation to the rest of Pakistan. The norms of great powers' special responsibilities hold that the United States has an obligation to ensure that it does its best to protect the vulnerable from harm stemming from its actions, especially those who may not otherwise be protected.

The article's main contribution is in the field of International Relations theory, as it highlights the multiple ways, other than by direct effect, through which responsibility for one's actions can be attributed and ascertained. To be more specific, this article contributes to the debates on great power responsibility by bringing the discussion of side-effect harms closer to IR theoretical discussions on the responsibilities of great power. It performs that task by building on the ideas of the English School and Constructivism through the Theory of Special

¹¹ The theory of special responsibilities has been put forward by five renowned academics from United Kingdom, United States and Australia. For details, see Bukovansky *et al.*, *Special Responsibilities*, p. 25.

Responsibilities. Though these International Relations theories were not designed to perform that task, the contribution of this paper lies in using them to construct a normative argument. That may not be what the scholars from those traditions primarily intended. However, it is useful to employ them for such a task in order to create the tools required to perform the analysis of the article.¹²

The discussion below will demonstrate that although there has been much focus on examining the empirical dimension of the subject of great-power responsibility, there remains limited attention paid to the theoretical dimension of this topic. That is also linked to a lack of clear criteria through which responsibilities of great powers vis-à-vis side-effect harms can be tangibly assessed, both *ad bellum* and *in bello*. The framework highlighted in this contribution provides guidelines for further normative and theoretical assessments of the side-effect harms caused by the policies of other great powers of international society.

The drone strikes in FATA comprise a case highlighting a gap in IR theoretical literature that needs to be bridged. However, this contribution is not about the drones-related debate *per se*. As highlighted above, the primary contribution of the paper is in the realm of the academic discussion on great-power responsibility and that contribution is made by building on the ideas of the English School and Constructivism. That will involve highlighting how the ‘interpretative’ dimension of these theories (‘what is?’) can be taken to build a framework that helps one understand how a great power should act (‘what should be?’).¹³ This contribution will establish that framework independently of the drone debate. The drones-related discussion is included to highlight the need of seeing responsibilities in multiple ways and *that* is where the paper will make its contribution.

The next section briefly surveys the dispersal of suspected terrorists from the highly targeted parts of FATA to other locations within Pakistan along with its impact on the civilians in

¹² The author is grateful to the anonymous reviewers of this article for this point.

¹³ The author is grateful to an anonymous reviewer of this article for this point.

these new locations. The third section of the article examines the literature on great power responsibility, highlighting how that literature concerns itself with either assessing the direct effects of great powers' actions (and issues of intentional causality) or with the questions of how emerging powers can enter the club of great powers. That section also shows that little work has been conducted on clarifying yardsticks through which side-effect harms of great powers' actions can be examined. The fourth section specifically looks at the DDE and Consequentialism, highlighting their weaknesses in serving as useful analytical tools with respect to the current case study in particular. That section also shows that, although these are relevant approaches in other disciplines, these theories are of limited utility with regard to debates on great-power responsibility in International Relations theories. The fifth section consults the Theory of Special Responsibility to outline a set of yardsticks, mentioned earlier. The framework consisting of these yardsticks is then employed in the sixth section to argue that the targeting state (the US) can be held responsible for harm caused to the vulnerable in the targeted state (Pakistan) due to terrorist relocation. That section also studies how issues of responsibility are linked to legitimacy and how a great power risks losing its standing as a responsible great power if it does not pay attention to the full range of responsibilities highlighted in this article. The conclusion summarises the findings of the study highlighting unique insights gleaned through the application of the framework examined here.

2. Drones and terrorist relocation from FATA

The relocation of terrorists, militants and insurgents from their 'original' theatre generally remains an understudied phenomenon.¹⁴ There have been some relevant studies on how *Mujahedeen* dispersed from Afghanistan after the anti-Soviet jihad, with some returning to join al-Qaeda in the 1990s.¹⁵ Owen Bennett Jones has further outlined how al-Qaeda fighters

¹⁴ David Malet, *Foreign Fighters: Transnational Identity in Civic Conflicts* (New York: Oxford University Press, 2013).

¹⁵ Steve Coll, *Ghost Wars: The Secret History of the CIA, Afghanistan and Bin Laden* (London: Penguin). See for example, see p. 475.

moved across the border to Pakistan after the US invasion of Afghanistan in 2001.¹⁶ However, these studies do not examine the impact of relocation on the new host communities.

The American drone campaign in FATA started in 2004 and since then most of the strikes have centred on the tribal areas. Out of 396 total strikes, 390 have targeted locations in FATA with only six hitting the targets in the adjacent Khaibar Pakhtunkhwa province of Pakistan.¹⁷ Unsurprisingly, a number of militants sought by drones left FATA altogether to avoid them.¹⁸ A major report jointly published by New York University and Stanford University in September 2012 also highlighted how groups such as al Qaeda learnt quite quickly to avoid the tribal areas of Pakistan not long after the US started to use the drones there in 2004.¹⁹ It is no surprise that Osama bin Laden was found to be residing in Abbottabad, a Pakistani city quite a distance away from FATA.

This relocation to other destinations in Pakistan has come with serious, and quite often lethal, consequences for their new locales, which include the southern mega-city of Karachi and the relatively safer tribal area of Kurram. The activities of these individuals in their new refuges vary from location to location. They include involvement in organised crime, sectarian and *jihadi* violence and the perpetrating of other petty crimes.

The Associated Press, among other sources, has noted that a number of militants fled the tribal area of Pakistan to take refuge in the southern port city of Karachi precisely because drones cannot and will not target the city.²⁰ The US-based Combating Terrorism Centre pointed out in 2010 that ‘fighters from multiple Taliban factions are increasingly moving to’

¹⁶ Owen Bennet Jones, *Pakistan: Eye of the Storm* (London: Yale, 2009), pp. 27-30.

¹⁷ The data is correct as of 25 February 2015. It has been accessed from the website of New America Foundation. For details see <http://natsec.newamerica.net/drones/pakistan/analysis>; last accessed 25 February 2015.

¹⁸ Peter Bergen and Katherine Tiedemann, ‘Washington’s phantom war,’ *Foreign Affairs*, July/August 2011.

¹⁹ See ‘Living under drones: Death, injury and trauma to civilians from US drone practices in Pakistan,’ A report compiled by Stanford International Human Rights & Conflict Resolution Clinic, 24 September 2012, available at <http://www.livingunderdrones.org/living-under-drones/>

²⁰ Ashraf Khan and Nahal Toosi, ‘Taliban Finding safety in Karachi,’ *Associated Press*, 17 May 2009.

Karachi as they ‘continue to flee U.S. drone strikes and Pakistani military operations in the country’s northwest tribal regions.’²¹ Pakistani police and intelligence officials have also confirmed that the Taliban and other militants have fled Pakistan’s tribal areas due to the US drone strikes but continue their brutal activities in Karachi where drones cannot reach them.²² According to these officials, they have been involved in ‘kidnapping for ransom, bank robbery, street robbery and other heinous crimes.’²³ Other destinations where these individuals have moved include the Punjab province of Pakistan²⁴ as well as relatively safer agencies within FATA, one of which is Kurram agency. This particular agency is surrounded by Afghan territory to the north and the west, and borders North Waziristan agency to the south. The tribal agency of North Waziristan has been the prime target of drones: according to the most recent count, it alone has attracted approximately 72 per cent of the total strikes conducted by the United States in the tribal areas of Pakistan.²⁵ Kurram is the only agency in FATA with a significant Shia population: around 40 per cent of the population belongs to the sect.²⁶ The agency is also one of the preferred destinations of the militants fleeing North Waziristan.²⁷ The militants take refuge there as, like Karachi, US drones do not usually target this agency – although in this case due to its significant Shia population.²⁸

The militants’ attempts to find a new home in Kurram are resisted by locals who, for obvious reasons, do not want the American drones to start striking there.²⁹ As a result, inhabitants of Kurram have been increasingly targeted by these new arrivals due to their refusal to provide them a safe haven in the area. Kurram’s stability has subsequently been marred by huge

²¹ Imtiaz Ali, ‘Karachi becoming a Taliban safe haven?’ *Combating Terrorism Centre*, 13 January 2010; available from <http://www.ctc.usma.edu/posts/karachi-becoming-a-taliban-safe-haven>; last accessed on 6 June 2014.

²² see ‘Fear of Taliban influx looms in Karachi,’ *Dawn*, 17 May 2009.

²³ *ibid.*

²⁴ Sabrina Tavernise, Richard A. Opel and Eric Schmitt, ‘United militants threaten Pakistan’s populous heart,’ *The New York Times*, 13 April 2009.

²⁵ See the database compiled by the Long War Journal at <http://www.longwarjournal.org/pakistan-strikes.php>; last accessed on 25 February 2015.

²⁶ Zia Ur Rehman, ‘The Battle for Kurram,’ *The Friday Times*, 8 March 2012.

²⁷ Tom Wright and Owais Tohid, ‘Drones push Taliban from a Pakistani haven,’ *The Wall Street Journal*, 5 November 2010.

²⁸ *ibid.*

²⁹ see ‘95 die as Kurram reels under fresh violence,’ *The Nation*, 1 September 2008.

sectarian strife over the past six years.³⁰ The Haqqani faction of the Afghan Taliban has been busily negotiating with the Shia tribal elders in Kurram to let its fleeing comrades remain, but the issue remains unresolved.³¹

The negative consequences of the dispersal of militants from FATA beg an obvious question: who can be held responsible for these side-effect harms of the use of drones? The policy makers in the US can easily state that they did not intend to create that eventuality, even if it could be foreseen, and hence they cannot be held accountable for it. This scenario points to a gap in IR theoretical literature on great power responsibility as there do not exist many yardsticks that could be used to assess 'the side-effect harms' or 'double-effects' of a great power's actions that were not part of that state's direct plan. Though there has been much discussion in the field of ethics and philosophy on 'double-effects,' such discussion is almost completely absent from the realm of *International Relations theories*. The next section will briefly survey that literature on great-power responsibility highlighting the recent interest in evaluating great-power practices. The section will also show how that interest has not led to the development of certain yardsticks that could be employed to study the side-effect harms of great powers' actions.

3. Great powers and great responsibilities

There has been much interest over the last three decades in studying the responsibilities of the great powers in international society. Authors such as Hedley Bull discussed the protection of international order as an example of the international interest that great powers should promote.³² That international order would guarantee the protection and continuation of a pluralist international society that 'accepted differences in values.'³³ However, recently, the

³⁰ *ibid.*

³¹ Wright and Tohid, 'Drones push Taliban from a Pakistani haven.'

³² Hedley Bull, *The Anarchical Society*.

³³ Rosemary Foot, 'Chinese power and the idea of a responsible state,' *The China Journal*, 45, 2001, p. 9.

focus of such assessments has shifted from protecting international order towards ‘a focus on the sovereignty of individuals rather than states.’³⁴

The primary concern of recent studies of great powers’ responsibilities has been the assessment of US foreign-policy practices. Some of them include the examination of the recent invasion of Iraq and the practice of extraordinary rendition.³⁵ The idea of American responsibilities has also been coupled with American leadership, with some scholars examining the case for American leadership in dealing with problems in the Asia-Pacific region.³⁶

The assessments concerning great-power responsibility have also focused on other global and regional great powers and their roles in international society. For example, Rosemary Foot has discussed how China increasingly sought to acquire acknowledgement from others of its great-power status, along with its status as a radical socialist revolutionary state.³⁷ According to Foot, China started a journey in the 1980s towards portraying itself as a cooperative and responsible great power whose policies contrast with those of a unilateralist United States.³⁸ Justin Morris also examined the case of Great Britain asking ‘how great is Britain?’³⁹ Morris contended that Britain could be described as a great power given its ideational capabilities⁴⁰ that allow the country’s leadership to pursue foreign policies that would be ‘wholly untenable for other, far less powerful, states.’⁴¹

³⁴ Ibid, p. 9; The two viewpoints have been captured through the English School concepts of pluralism and solidarism. For details, see Nicholas Wheeler and Tim Dunne, ‘Hedley Bull’s pluralism of the intellect and solidarism of the will,’ *International Affairs*, 72(1), 1996, pp. 91-107.

³⁵ Wali Aslam, *The United States and the idea of Great Power Responsibility in International society: Invasion, Drones and Renditin*, (Abingdon: Routledge, 2013).

³⁶ Douglas Stuart, ‘Leading from behind: Toward a new US strategy for the Asia Pacific,’ *Korean Journal of Defense Analysis*, 24(2), 2012, pp. 141-155.

³⁷ Ibid, p. 7.

³⁸ Ibid, p. 15.

³⁹ Justin Morris, ‘How Great is Britain? Power, responsibility and Britain’s future role,’ *The British Journal of Politics and International Relations*, 13(3), 2011, pp. 326-327.

⁴⁰ Ibid, p. 333.

⁴¹ Ibid, p. 335.

This interest in studying the institution of great powers has also considered regional powers. For example, Linda Quayle examines the case of Indonesia, enquiring whether it could be described as a great power.⁴² While studying Indonesia's status, Quayle points towards an important gap in the literature on the subject. She asserts that most of the literature on great powers usually focuses on external recognition of states as such.⁴³ However, there has not been much discussion on internal recognition: the role played by a state's citizens in determining their own country's status as a great power with special rights and duties.⁴⁴ She argues that in order to achieve the status of great power, external recognition has to be complemented by an internal recognition in a way that a state's leaders think of themselves as leaders of a great power and act accordingly.

Amrita Narlikar studies India's status as a great power, suggesting that due to its desire to enjoy a 'free-ride,' instead of providing leadership, India cannot be described as a responsible great power.⁴⁵ Examining the case of Japan, Shogo Suzuki has stated that Japan aspires to be recognised as a great power, which is why it participates in activities such as the United Nations Peacekeeping Operations (UNPKO).⁴⁶ Taking part in such activities is an attempt to show to the rest of the international community on the part of the country that it does not desire to upset the status quo.⁴⁷ That also serves as a 'strategy for tackling and negating the criticisms of their neighbours,' the criticisms that are detrimental in their quest to gain legitimacy from the international society of its status as a great power.⁴⁸

⁴² Linda Quayle, 'Power and paradox: Indonesia and the "English School" concept of Great Powers,' *International Relations of the Asia-Pacific*, 13(2), 2013, pp. 301-330.

⁴³ Ibid, p. 305.

⁴⁴ Ibid, p. 305.

⁴⁵ Amrita Narlikar, 'Is India a responsible great power,' *Third World Quarterly*, 32(9), 2011, pp. 1607-1621.

⁴⁶ Shogo Suzuki, 'Seeking "legitimate" great power status in post-Cold War international society: China's and Japan's participation in UNPKO,' *International Relations*, 22(1), 2008, pp. 45-63; see also Andrew Oros, 'Japan's security future' in Samit Ganguly, Andrew Scobell and Joseph Liow, *The Routledge Handbook of Asian Security Studies* (Abingdon: Routledge, 2009), pp. 23-34.

⁴⁷ Ibid, p. 54.

⁴⁸ Ibid, pp. 54-55.

This brief overview of the literature on the subject of great power responsibility shows that the interest in studying the institutions of great powers in international society can be divided in two camps largely. It is either focused on assessing the direct effects of great powers' responsibilities or it examines how other states try to be recognised as great powers. There is a lack of conceptual literature to help deal with the side-effects of great powers' actions. The DDE and Consequentialism deals with the issues of double-effects and side-effect harms but they are not useful approaches in the realm of International Relations theory. The next section will look at both of those approaches highlighting their deficiencies. The discussion will then proceed to clarifying a novel theoretical framework based on the Theory of Special Responsibilities of great powers; it is this framework which will bridge the existing gap in the literature.

4. The Doctrine of Double Effect and Consequentialism

The discussion so far has pointed towards a gap in IR theoretical literature concerning the absence of a theoretical framework that may help assess side-effect harms of great powers' actions. Though many scholars have employed the DDE⁴⁹ and consequentialism⁵⁰ to study the questions of actions, intentions and consequences, these approaches are of limited utility. This section will look at both these approaches briefly while arguing that they do not serve the purpose of dealing with the given case study and to conduct IR theoretical analysis of the type required here. Hence, there is a need to come up with a unique approach for assessments of the side-effect harms of the great powers' actions.

⁴⁹ see for example David Chan, 'Intention and responsibility in double effect cases,' *Ethical Theory and Moral Practice*, 3(4), 2000, pp. 405-34

⁵⁰ C. D. Meyers, 'Brain, trolleys and intuitions: Defining deontology from the Greene/Singer argument,' *Philosophical Psychology*, 28 (4), 2015, pp. 466-486.

The DDE is often consulted to study actions that might be undertaken with good intentions but may have harmful side-effects that might be foreseen but unintended.⁵¹ The roots of the DDE go back to the writings of Thomas Aquinas who is credited for saying that ‘nothing hinders one act from having two effects, only one of which is intended, while the other one is beside the intention... the act of self-defense may have two effects: one, the saving of one’s life; the other, the slaying of the aggressor.’⁵² Generally speaking, for a side-effect harm of an action to be justified under the DDE, the following four conditions have to be attached to that action:⁵³

- a) The act is good in itself, or at least indifferent, which means, for our purposes, that is a legitimate act of war.
- b) The direct effect is morally acceptable – the destruction of military supplies, for example, or the killing of enemy soldiers.
- c) The intention of the actor is good – that is, he only aims at the acceptable effect; the evil effect is not one of his ends, nor is it a means to his ends.
- d) The good effect is sufficiently good to compensate for allowing the evil effect; it must be justifiable under ... proportionality rule.⁵⁴

The principle of double-effect has been usefully applied in a number of cases such as suicide⁵⁵ and euthanasia⁵⁶ and assisted suicide.⁵⁷ Though successful in dealing with these

⁵¹ For a brief introduction of the approach, see G. E. M. Anscombe, ‘Just War: the Cause of World War II’ in Robert Goodin and Philip Pettit (eds.), *Contemporary Political Philosophy: An Anthology* (Oxford: Blackwell publishing, 2006), p. 627

⁵² See ‘Doctrine of Double Effect’ in the Stanford Encyclopaedia of Philosophy, 23 September 2014; available at <http://plato.stanford.edu/entries/double-effect/>; accessed on 26 February 2015

⁵³ These points appear in Michael Walzer’s landmark work *Just and Unjust Wars*. For details, see Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), p. 153

⁵⁴ Warren Quinn has phrased these conditions in simpler terms stating that ‘the intended final end must be good; the intended means to it must be morally acceptable; the foreseen bad upshot must *not* itself be willed (that is must not be, in some sense, intended); the good end must be proportionate to the bad upshot (that is, must be important enough to justify the bad upshot). Warren Quinn, ‘Actions, intentions and consequences: the Doctrine of Double Effect,’ *Philosophy & Public Affairs*, 18(4), 1989, p. 334n

cases, the principles of the DDE do not help with the case of terrorist relocation caused by American drone strikes in the tribal areas of Pakistan, for several reasons. The DDE works on the basis of certain prerequisites for it to serve as a useful tool to study side-effect harms of an action. However, the side-effect harms caused by the drone strikes do not meet those prerequisites. This approach works on the assumption that the agent will be very scrupulous in his or her actions and will act with extreme caution. Some side-effects of its actions may be justified if the action was conducted on the basis of caution and circumspection with the objective of achieving a good outcome. Applied to the case study at hand, that would mean that the United States would be expected to be scrupulously targeting certain specified targets in FATA, employing precision weapons. However, that is not the case. There are doubts over how circumspectly these strikes have been conducted as there have been many instances where they have been launched without a clear idea of the target. Some of the reasons of this lack of circumspection are given below.

First, some of the strikes are conducted as ‘signature strikes’ where certain patterns of behaviour are considered legitimate targets. According to the *New York Times*, ‘signature strikes are based on assessments that men carrying weapons in a militant compound are legitimate targets.’⁵⁸ Quoting unnamed security officials, the paper asserted that many strikes targeted groups of suspected militants who were not on any lists.⁵⁹ These signature strikes resulted in the deaths of innocent civilians who might conform to the pattern of behaviour attracting strikes.⁶⁰ Such patterns may involve attending a *jirga* (a tribal gathering) or a

⁵⁵ Robert Martin, ‘Suicide and self-sacrifice’ in M. Pabst Battin and David J. Mayo (Eds.), *Suicide: the Philosophical Issues* (New York: St. Martin’s Press, 1980), pp. 48-68.

⁵⁶ Greg Beabout, ‘Morphine use for terminal cancer patients: an application of the principle of double effects,’ *Philosophy in Context*, 19, pp. 49-57.

⁵⁷ See ‘The doctrine of double effects,’ *BBC Ethics Guide*; available at <http://www.bbc.co.uk/ethics/euthanasia/overview/doubleeffect.shtml>; accessed on 26 February 2015.

⁵⁸ Scott Shane, ‘U.S. said to target rescuers at drone strike sites,’ *The New York Times*, 5 February 2012.

⁵⁹ *ibid.*

⁶⁰ Owen Bowcott, ‘Drone attacks in Pakistan are counter productive, says report,’ *The Guardian*, 1 May 2012.

wedding with their weapons.⁶¹ Second, in order to assert that it has minimised the loss of civilian lives, the Obama administration has also redefined the term ‘targets’ that America’s drones might be attacking. Now it considers anyone who is ‘military-age males in a strike zone’ to be targets.⁶² Third, some of these strikes are so-called ‘double-tap’ bombings, defined as a ‘follow-up attack aimed at those who go to the scene of the original attack to rescue the wounded and remove the dead.’⁶³ These are done despite clear protections enshrined in the Geneva conventions to those who ‘collect and care for the wounded, whether friend or foe.’⁶⁴ These three aspects of the American drone programme in Pakistan demonstrate that the side-effect harm to civilians due to drones cannot be justified according to the DDE, given that there are major questions concerning the action itself that produces the side-effect harm. The examples show how it is hard to justify that these strikes are conducted with caution and circumspection enshrined in the principles of the DDE, thereby showing the weaknesses of the approach to help assess the side-effect harms caused due to the terrorist relocation due to these strikes. The way they are conducted goes against the first principle of doing good in the DDE.

Michael Walzer has also referred to a weakness of the DDE in the matters of wars where civilians’ lives are put in danger to achieve military objectives. He argues that it is not possible to expect that there will be no civilian casualties in wars and the DDE is an attempt at ‘reconciling the absolute prohibition against attacking noncombatants with the legitimate conduct of military activity.’⁶⁵ However, the DDE is weak when it asserts that though the loss of civilians’ lives in conflict may be foreseen, it was unintended. For Walzer, an attention to producing good (the first intention) has to be linked to an intention to minimise harm (the

⁶¹ Salman Masood and Pir Zubair Shah, ‘CIA drones kill civilians in Pakistan,’ *The New York Times*, 17 March 2011.

⁶² Glenn Greenwald, ‘“Militants”: media propaganda,’ *Salon*, 29 May 2012.

⁶³ Glenn Greenwald, ‘US drone strikes target rescuers in Pakistan – and the West stays silent,’ *The Guardian*, 20 August 2012.

⁶⁴ *ibid*; see also Chris Woods, ‘CIA “revives attacks on rescuers” in Pakistan,’ *The Bureau of Investigative Journalism*, 4 June 2012.

⁶⁵ Walzer, *Just and Unjust Wars*, p. 152

second intention) as the outcomes are the product of a '*double intention*.'⁶⁶ He refers to a dual responsibility: first, 'that the "good" be achieved; second, that the foreseeable evil be reduced as far as possible.'⁶⁷ He goes on to say

Simply not to intend the death of civilians is too easy; most often, under battle conditions, the intentions of soldiers are focused narrowly on the enemy. What we look for in such cases is some sign of a positive commitment to save civilian lives ... and if saving civilian lives means risking soldiers' lives, *the risk must be accepted*... These are, after all, unintended deaths and legitimate military operations, and the absolute rule against attacking civilians does not apply. War necessarily places civilians in danger... *we can only ask soldiers to minimise the dangers they impose*.⁶⁸

This weakness of the DDE highlighted by Walzer makes sense: in the context of the current case study, the American action cannot only be assessed through its (first) intention to achieve a good objective. It must be asked whether the United States took due care in minimising harm for the civilians in the host societies at the receiving end of American drones (second intention). This does not seem to be the case here. President Obama's drone policy has been aimed at ensuring that the tribal areas of Pakistan do not serve as safe havens to terrorists. Justifying his approach, President Obama stressed in 2009 that his administration would 'work both smartly and effectively, but with consistency in order to make sure that those safe havens don't exist.'⁶⁹ That suggests that the US in this case was more interested in ensuring that the tribal areas are rid of militants (through being killed or relocating) and not with the side-effect harms of their relocation. The policy assertions do not discuss the harm caused by this relocation if these individuals moved out of the region and engage in violence elsewhere as that would not be America's responsibility. Though this approach might be understandable under the DDE, it also reveals its weaknesses as highlighted by Walzer above.

⁶⁶ *ibid*, p. 155; emphasis in original

⁶⁷ *ibid*, p. 155.

⁶⁸ *ibid*, p. 156; emphasis added.

⁶⁹ 'Obama warning on Pakistan haven,' *BBC News*, 10 February 2009

One tactic employed for ensuring that the tribal areas are not used for attacks against international forces in Afghanistan or to hatch any plot against the West includes attempts to create a climate of fear. That is done by using drone strikes quite liberally and, quite often, as ‘double-tap’ strikes. Though there were only 51 strikes during the entire duration of the Bush administration, President Obama escalated these strikes from 2009 onward with 52 strikes taking place in 2009 alone and 122 during 2010.⁷⁰ A number of reputable sources have asserted that instead of eliminating specific threats to the United States, such strikes have been conducted to scare people off from rescuing those injured and to deter journalists from entering the area to assess the situation.⁷¹ This approach may make sense if one were to understand American objectives of self-defence and may be justified under the DDE. However, according to Walzer, for an action to be truly ethical, it must involve an obligation on the part of the agent of taking responsibility to minimise harm to non-combatants. Creating a climate of fear might be understandable according to the DDE but that does not in itself show any intention to minimise harm to non-combatants. Hence this approach is not an adequate application of the assessment of side-effect harms caused by this action.

The principles of Consequentialism may also be applied to study the side-effect harms caused by American drone strikes in the FATA. There are many branches of this school of thought⁷² and ‘Act Consequentialism’ may be the most relevant of these given the context of the current case. Act Consequentialism asserts that an act will be morally right ‘if that act maximizes the good, that is, if and only if the total amount of good for all minus the total amount of bad for all is greater than this net amount for any incompatible act available to the agent on that

⁷⁰ The data is from the website of New America Foundation. For details see <http://natsec.newamerica.net/drones/pakistan/analysis>; last accessed 25 February 2015.

⁷¹ Greenwald, ‘US drone strikes target rescuers;’ for more on the element of fear caused by drones, see ‘Living under drones: Death, Injury and Trauma to Civilians from US Drone Practices in Pakistan,’ Report by Stanford Law School and New York University School of Law, September 2012, p. vii; available at <http://www.livingunderdrones.org/wp-content/uploads/2013/10/Stanford-NYU-Living-Under-Drones.pdf>

⁷² For details see Richard Arnsperg, ‘Egalitarianism and the undeserving poor’ in Goodin and Pettit (eds.), *Contemporary Political Philosophy*, pp. 525-6.

occasion.⁷³ Though this approach might be helpful in the matters of social philosophy, it does not help bridge a gap concerning the lack of yardsticks in IR theoretical literature relating to the issue of side-effect harms. International politics cannot be understood on the basis of this approach as this perspective is more focused on studying different societal impacts of our actions. That means that there is a need of a suitable criterion that could be used in order to conduct the required normative assessments. The following section performs that task through the Theory of Special Responsibilities by building on the ideas of the English School and Constructivism. This criterion will assist with the study of the side-effect harms of great powers' actions more appropriately; this sort of responsibility needs to be specified more clearly when it comes to great powers and that is the course that the debate below will take.

5. Responsibility, accountability and side-effect harms

The burgeoning interest in the idea of great-power responsibility and the 'recognition games'⁷⁴ played by various great powers led five prominent academics from the United States, the United Kingdom and Australia to outline the case for a theory of great-power responsibilities in 2012. Their landmark work, entitled *Special Responsibilities: Global Problems and American Power*, asserts that there is much evidence of 'a practice in the quest of a theory.'⁷⁵ This work refers to the responsibilities of great powers as 'special responsibilities,' defining them as a 'differentiated set of obligations, the allocation of which is collectively agreed, and they provide a principle of social differentiation for managing collective problems in a world characterised by both formal equality and inequality of material capability.'⁷⁶ These responsibilities act as a 'unique compromise' between the

⁷³ See 'Consequentialism' in the Stanford Encyclopaedia of Philosophy, 27 September 2011; available at <http://plato.stanford.edu/entries/consequentialism/>; accessed on 26 February 2015.

⁷⁴ Erik Ringmar, 'The recognition game: Soviet Russia against the West,' *Cooperation and Conflict: Journal of Nordic International Studies Association*, 37(2), 2002, pp. 115-136.

⁷⁵ Bukovansky et al., *Special Responsibilities*, pp. 25-50.

⁷⁶ Ibid, p. 16.

principles of sovereign equality on the one hand and material differentiation on the other.⁷⁷

The idea of special responsibilities comes into being when naked power fails along with the bargaining among equals, 'leading instead to a search for a hierarchical but socially grounded politics of responsibility.'⁷⁸ This work highlights the need to study special responsibilities within specific 'functional and policy domains' in order to get more out of the concept.⁷⁹ A generalised attribution of responsibilities to certain states in international society will not help.

By constituting international social roles and defining the parameters of legitimate political action within given social domains, special responsibilities shape the nature and distribution of social power. Because of this, they constitute a key site of political contestation – it matters to states how special responsibilities are defined and allocated, and much of contemporary world politics is concerned with claiming, acknowledging, allocating, shirking and contesting who gets to be responsible for what, when and how.⁸⁰

The Theory of Special Responsibilities has been built on the ideas of the English School and Constructivism. The English School concept of 'international society' provides the groundwork for the theory. Great powers consider themselves to be the legitimate leaders of an *international society* in which states have rights and responsibilities.⁸¹ On the other side, Constructivist ideas concerning identity play an important role in highlighting how major players in international society seek acknowledgement from the rest of the society concerning their status as major powers.⁸² Rights and responsibilities are social concepts and they can only exist in an international society. Hence, a combination of the English School and Constructivism provides most suitable basis to develop the theory.

⁷⁷ Ibid, p. 5.

⁷⁸ Ibid, p. 7.

⁷⁹ Ibid, p. 48.

⁸⁰ Ibid, p. 77.

⁸¹ Hedley Bull, *Anarchical Society*.

⁸² Bukovansky et al., *Special Responsibilities*, p. 10.

The idea of legitimacy, a common thread within the two theoretical approaches, is at the heart of the theory of special responsibilities. When power is seen to be resting on a state's capabilities in terms of its material resources, the only constraint on its power would be 'insufficient material resources or countervailing power.'⁸³ However, in an international society, that is not the case. States aspire for their actions to be seen as legitimate and would refrain from engaging in an illegitimate activity if they had the capacity to do so. The United States has the power to bomb an enemy state's major cities anytime – simply because it can. However, this is unlikely to happen; one of the reasons for not doing so would be because that will not be considered *appropriate* and hence also not *legitimate* in the eyes of other members of international society. In other words, material resources are only part of the power. The rest of the power comes from the legitimacy granted to a great power by the rest of international society.⁸⁴ There is an implicit understanding in international society that power needs to be disciplined and, more importantly, 'channelled' in such a way that it is 'contained within socially acceptable bounds and harnessed to productive social ends.'⁸⁵ The norms of negative responsibility prohibit actors from acting in certain ways even if they have the capability to act in that way. On the other hand, the norms of positive responsibility also demand of actors that they employ their capacities in certain ways even when they may not be very interested in doing so.⁸⁶

Legitimacy is an under-appreciated component of a state's power. It is important because it brings with it 'voluntary compliance'⁸⁷ as others regard an actor's ends to be rightful without the need to coerce and bribe them. If an actor is perceived to be acting responsibly, its material and non-material power increases. Hence legitimacy serves as the 'social face' of power.⁸⁸ A state's allies are more likely to lend it a helping hand if its policy is generally

⁸³ Ibid, p. 63.

⁸⁴ Ian Clark, *Legitimacy in International Society*, (Oxford: Oxford University Press, 2005).

⁸⁵ Bukovansky et al., *Special Responsibilities*, p. 63.

⁸⁶ Ibid, p. 63.

⁸⁷ Ibid. p. 70.

⁸⁸ Ibid, p. 70.

considered to be ‘appropriate’ and responsible. On the other hand, these allies are likely to come under pressure by their own citizens to *not* get involved in irresponsible ventures of a great power if they are seen as irresponsible by the rest of the international society.

Where the theory of special responsibilities is groundbreaking in that it theorises a phenomenon that has been widely studied, it also provides scope to build yardsticks through which a responsible action can be assessed. The rest of this section will concern itself with doing just that. When studying accountability, great powers are usually held responsible and ‘answerable’ for their historical agency and, by extension, the impact of ‘their actions in the preceding causal story.’⁸⁹ They may have knowingly caused the problem and may be held accountable for the consequences. This is where most of the studies on responsibility in International Relations theory tend to focus. This demonstrates, however, a rather narrow understanding of how responsibility for one’s actions can be attributed in the field of International Relations.

Responsibilities for one’s actions are usually assessed through direct effect, intentional causality and historical agency. Though that is undoubtedly the first step in any such discussion, it is clearly not the only one. As responsibilities relate to one’s past actions, they also concern one’s activities in the future. For example, ministers are accountable for the *future* functioning of their ministries and teachers are accountable for the prospective welfare of pupils when parents bring them to school.⁹⁰ Hence, ‘prospective responsibility is as much about answerability as historical responsibility.’⁹¹ A focus only on past causality could distract from the future.⁹² The great powers in international society are endowed with special responsibility because (like ministers in a new government), it is expected that they will perform their duties in a way that will not increase others’ vulnerability. They are obliged to produce ‘good’ and to prevent ill happening from their actions within the wider international

⁸⁹ Ibid, p. 38.

⁹⁰ Ibid, p. 53.

⁹¹ Ibid, p. 56.

⁹² Bukovansky et al., *Special Responsibilities*, p. 56.

society. Prospective responsibility can be split in two realms, ‘productive’ and ‘preventive’ responsibility, with the former referring to the production of certain goods and the latter relating to the prevention of particular ills in the future.⁹³ Hence, a reliance on the yardstick of intentional causality is not sufficient for thorough normative evaluations of states’ actions.

At times, the great powers are asked to be answerable simply because they are powerful and have the capacity to protect the vulnerable.⁹⁴ The idea of capacity is linked to the second yardstick against which responsibility can be measured. It links responsibility with answerability instead of restricting it to causality and direct effects. The roots of the word ‘responsibility’ are found in the Latin word ‘respondeo,’ which means ‘to answer.’⁹⁵ One can be answerable for the consequences of their actions that were not intended. For example, we do not hold an earthquake ‘responsible’ for countless deaths because in order to be truly held responsible, it will have to have not only ‘caused those deaths, it would have to be answerable and accountable for them.’⁹⁶ Hence because one cannot hold an earthquake to account for certain deaths, it cannot be held responsible. On the other hand, in the aftermath of a major earthquake anywhere in the world, materially capable states are expected to partake in the relief operation to protect those harmed by the natural calamity. That means that an understanding of responsibility should not be totally unrelated to the material realm of capabilities and capacities. One is held responsible if they are capable of acting to prevent harm from happening or to alleviate the suffering of the hurt. For example, Papua New Guinea is unlikely to be held accountable for not acting after a major natural disaster, but the same might not hold for France or Great Britain.

Third, a state can be considered to be responsible for its actions if there is a historical precedent of it acting as a responsible great power in the past. International society calls on those states to act which throughout history have expressed an interest in dealing with global

⁹³ Ibid, p. 56.

⁹⁴ Ibid, p. 74.

⁹⁵ Ibid, p. 53.

⁹⁶ Ibid, p. 53.

crises and have a reputation as reliable powers to be called on in difficult times. A country may have the wealth and resources to act but lack certain historical precedent to have acted in the way in which responsible great powers are expected to. That state will not be expected to perform certain functions during difficult times. Their peers, however, may be expected to act at that time given their historical record. Historical precedent suggests that over time, certain states ‘show themselves to be reliable in the performance of their responsibilities.’⁹⁷

Fourth, responsibility relates to voluntarism.⁹⁸ For an agent to be held accountable, it must have ‘the capacity to have acted differently.’⁹⁹ A great power is held responsible for an action when it has had the choice or discretion to act in the way it did and was not forced to do so. That means that choice and responsibility go hand in hand.

Fifth, and finally, responsibilities are not always seen through intentionality. Though intentions are important, an agent cannot always claim that they did not intend for an action to have certain consequence, so they should be declared blameless. This is similar to a developed country today stating that it does not have much responsibility to alleviate the harm of global warming because it did not *intend* to cause it when it was industrialising hundreds of years ago.¹⁰⁰ This example indicates that one could be held accountable for putting someone in a vulnerable position even if they did not intend to do so while causing the problem.

There may be situations where a capable agent did not intend and could not have foreseen that their actions would make others vulnerable, but they nonetheless derive benefits from the activity that created the relevant vulnerability. If A accepts a free meal, not knowing that it was intended for B who was impoverished and malnourished, then A would be expected to

⁹⁷ Ibid, p. 54.

⁹⁸ Ibid, p. 55.

⁹⁹ Ibid, p. 54.

¹⁰⁰ Ibid, p. 54.

purchase B a replacement meal or provide compensation because the benefits derived by A may be directly linked to the unmet needs of B.¹⁰¹

In brief, apportioning responsibility for certain harms is not a straightforward matter and if responsibility were limited only to direct effects and intentional causality, then harm suffered by certain innocent victims may never be addressed.¹⁰² It can often be the case that ‘the agent who caused harm may not have intended or foreseen harm; the agent who is clearly at fault may not have the capacity to redress the harm; and the agent with the capacity to prevent or remedy the harm may be entirely free of blame.’¹⁰³

6. Assessing responsibility for side-effect harms of terrorist relocation in Pakistan

The article so far has engaged with the Theory on Special Responsibilities to outline a framework consisting of four yardsticks (in addition to that pertaining to intentional causality and direct effect). This framework will now be used to examine the current case study and answer the question: who bears responsibility for the harmful consequences of terrorists’ relocation from FATA when they continue their lethal activities elsewhere? Policymakers in the United States have tried to justify their attacks in FATA using the language of America’s rights and responsibilities.¹⁰⁴ This is not uncommon. Powerful states have often asserted a privileged right to be recognised as guardians of international order and their position has usually been recognised by the rest of the international society.¹⁰⁵

The first yardstick of this article’s framework refers to causality and historical agency: one could be held accountable for a problem if they intentionally caused the problem through their past actions. Here, the key question would ask: did the US intentionally ‘cause’ suspected terrorists to relocate from FATA to other parts of Pakistan? Washington could argue that it

¹⁰¹ Ibid, p. 221.

¹⁰² Ibid, p. 215.

¹⁰³ Ibid, p. 215.

¹⁰⁴ Aslam, *The United States and the idea of Great Power Responsibility in International society*, p. 79.

¹⁰⁵ G. John Ikenberry, *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order after Major Wars*, (Princeton, New Jersey: Princeton University Press, 2001).

has not intentionally caused the negative consequences of these individuals' relocation from FATA. They could have chosen to stay put and continue waging jihad against American interests. Alternatively they could renounce violence and live peacefully with the rest of the population in FATA. This is a legitimate claim and employment of the first yardstick that focuses on the direct, intended effect of one's actions may only provide a narrow criterion to assess the actions of the US in this case. Hence there is a need for further yardsticks with which to assess American responsibility.

The second yardstick in the previous section relates to capacity and whether an agent will be expected to perform certain functions, and refrain from certain acts, given its enormous capacities. That yardstick will help assess an action when an agent did not intentionally cause the problem. The policy elites in the US could argue that terrorists are able to perpetrate harm on the civilians in Pakistan because their own state is inept and cannot perform the duty of protecting them. According to this view, if the Pakistani state is unable to provide security to its citizens, doing so should not be an American responsibility. However, the Theory of Special Responsibilities consulted here will argue that, specifically because their own state cannot be of much value in protecting them, the policymakers in Washington cannot be let off the hook. They still have an obligation to be mindful of that eventuality while deciding to employ drones in FATA. The Pakistani state has limited resources and suffers from the problems of endemic corruption and poor governance. If one were to say that in this case responsibility will only be attributed 'to those who are directly causally responsible and/or culpable, then some harm suffered by innocent victims may never be addressed at all.'¹⁰⁶ This understanding of responsibility will oblige American policymakers to use their country's immense capacity to employ alternative ways to tackle the problems the UAV strikes are meant to solve. A liberal use of these strikes has been rightly criticised by Plaw and

¹⁰⁶ Bukovansky et al., *Special Responsibilities*, p. 215.

Fricker.¹⁰⁷ Such weapons cannot be the answer to every ill emanating from FATA. Employing alternative means to tackle the issue of terrorism in FATA is possible as in the past, the US has curtailed drone strikes to achieve certain ends.¹⁰⁸

A great power stands to lose legitimacy if it does not fulfil the expectations others hold of it, as the notions of responsibility and legitimacy are closely connected. A state will not be considered a responsible great power unless it is recognised in that way by the majority of the members of international society, thereby granting it legitimacy.¹⁰⁹ One may amass great material power with a desire to be considered as such but the pedestal of a *responsible* great power is granted to a state through recognition by others. It cannot be obtained through the attainment or employment of military might alone. The examples of Napoleonic France and Nazi Germany are two cases in point. Legitimacy depends on others' voluntary recognition and none can be coerced into granting such a status through force. Furthermore, as such a status can be granted, it can also be withdrawn. The way a state is perceived matters greatly and its reputation as a responsible great power is subject to change when its behaviour is seen to not be conforming to that expected of a responsible great power. International society holds certain expectations from a great power that relate to acknowledging the extent of its stake in the system¹¹⁰ and refraining from acts that might be construed as not contributing to the goals of the wider international community. If a great power engages in a unilateralist and norm-violating behaviour, it can lose its 'special' status as a responsible great power, as was the case with the US losing its legitimacy in the early 2000s due to perceived lack of respect for international law and international institutions.¹¹¹

¹⁰⁷ Avery Plaw and Matthew Fricker, 'Tracking the predators: Evaluating the US drone campaign in Pakistan,' *International Studies Perspectives*, 13(4), 2012, p. 347.

¹⁰⁸ see Karen de Young and Greg Miller, 'U.S. curtails drone strikes in Pakistan as officials there seek peace talks with Taliban,' *The Washington Post*, 4 February 2014.

¹⁰⁹ Ian Clark has discussed the role of consensus in granting legitimacy to a certain issue, in that context. For details, see Clark, *Legitimacy in International Society*, p. 5.

¹¹⁰ Bukovansky et al., *Special Responsibilities*, p. 42.

¹¹¹ Ibid, p. 44.

The norms of legitimacy are held dear because they construct a ‘legitimacy snare’ to stop the dominant power from acting irresponsibly. The threat of a withdrawal of recognition of great power’s ‘responsible’ status serves that purpose.¹¹² Once that recognition is withdrawn, actions undertaken to protect international order lose their legitimacy. Instead of being justified under the garb of a great power’s international responsibilities, they are seen as naked manifestation of power that lacks social roots – the use of force without any social legitimacy behind it. Alexander Wendt argues that although role-identities are subjective, the roles themselves are ‘objective, collectively constituted positions that give meaning to those understandings.’¹¹³ Without the recognition being granted, a mere role-identity is meaningless as that role is not recognised by international society in the first place.

The third yardstick relates to a great power’s historical record in dealing with global problems. The US has traditionally portrayed itself as the guardian of international society, leading major scholars to assess American policies from the perspective of great-power responsibility.¹¹⁴ A glance at history reveals that Washington clearly wishes to be seen as a responsible great power and its official rhetoric of rights and responsibilities is not a mere ploy for hiding its self-interest. The US also has a historical precedent of acting as a great power. Hence, it will be expected to take responsibility for not doing something to alleviate the side-effect harms to Pakistani civilians indirectly caused by its own actions even if it could argue that it did not intentionally cause the problem. American policy makers will be expected to intentionally try to minimise civilian harm as discussed by Walzer earlier. The US has a long history of involvement in the AfPak region and its managerial activities in that part of the world link it to the vulnerable civilians in the area in a unique manner, regardless of the prevalence of drone strikes. This relationship was discussed by John Kerry in 2008 when he

¹¹² The author is thankful to Professor Mlada Bukovansky for the points discussed in this paragraph.

¹¹³ Bukovansky et al., *Special Responsibilities*, p. 45.

¹¹⁴ Bull, ‘The great irresponsibles’.

said that George W. Bush's policy towards Pakistan had been 'Musharraf-centric' while the new administration's policy would be 'Pakistan people-centric.'¹¹⁵

The US could argue that it is acting on behalf of the international community as it has done in the past to protect international society from terrorists hiding in FATA. However, such a claim does not grant *carte blanche* legitimacy for acting in whatever way the agent desires. It would still have to be seen by the rest of the international society to be acting in a just way.¹¹⁶ If drone strikes are justified as a mechanism to protect international order, they need to be conducted responsibly, defined more than just in terms of intentionality and direct effects.

The fourth yardstick relates to voluntarism. An agent will be held accountable if it acts on the basis of free volition. In other words, it chose to act in a certain way when it could have acted differently. The US action, as concerns the drone strikes, remains voluntary. It has the discretion to act differently and has not been forced to conduct the strikes. In the past, Washington has chosen to halt strikes when it has considered them to be detrimental in the achievement of its other key objectives in the region. For example, when Raymond Davis, a US citizen, was held in Lahore in 2011 for killing two Pakistani citizens, the tribal areas saw a lull in drone strikes because Washington did not want the strikes to negatively harm the objective of hastening the return of Davis.¹¹⁷ The US has also curtailed strikes in the past to facilitate negotiations between the Pakistani state and the Taliban in Pakistan.¹¹⁸ This shows the element of choice and that, at least to an extent, the activity is voluntary. These strikes are one of the ways to deal with the terrorist threat but there are other ways to tackle the problem

¹¹⁵ Pranab Samanta, 'Obama will want ISI under civilian control: Kerry,' *Indian Express*, 15 December 2008.

¹¹⁶ Ibid, p. 49.

¹¹⁷ Chris Woods, 'Secret CIA drone strikes in Pakistan suspended, as Obama seeks to free imprisoned "diplomat,"' *The Bureau of Investigative Journalism*, 18 February 2011, available at <http://goo.gl/vAOE5k>

¹¹⁸ Karen DeYoung and Greg Miller, 'U.S. said to curtail drone strikes in Pakistan as officials there seek peace talk with Taliban,' *The Washington Post*, 5 February 2014.

as well, such as pushing the Pakistani state to assist instead of handling it with kid gloves.¹¹⁹ Because the United States *chooses* to employ its UAVs to target locations in FATA, it will be held accountable for the side-effect harm to Pakistani civilians due to the relocation of terrorists from FATA to other parts of Pakistan.

Fifth, and finally, is the issue of unintentional causality. An agent conducting drone strikes may reasonably argue that if the strikes ended up causing a certain outcome, it was unintentional. Furthermore, not much could be done to prevent suspected terrorists from causing the harm and the killing of innocent civilians in Pakistan's major cities – that may simply be a (regrettable) by-product of American counterterrorist activities in FATA. They may point out that those fleeing drones in FATA are independent decision-makers and that they choose to relocate and continue their violent activities elsewhere. Can the US be held responsible for the terrorists' actions in which they may be engaging of their own free will? Here, a pertinent question would be: has the US benefitted from drone strikes by making it difficult for the suspected terrorists to hide in FATA and to harm American interests in Afghanistan or elsewhere? The answer is 'yes'. However, this benefit has been derived at the expense of the cost to the vulnerable citizens of Sindh and Punjab who face the consequences of the terrorist dislocation and relocation. Like civilians elsewhere, security is the basic need of all Pakistani civilians. Clearly, their lives have been put in harm's way by American actions and the responsibility for their plight lies at the American doorstep. Thus, according to this understanding of great power responsibility, Washington will be held responsible for the side-effect harm to the vulnerable in the targeted state even if it did not intend that outcome. The United States 'benefits from the activity that created the relevant vulnerability.'¹²⁰ Its policy has exposed a particular constituency (in this case a large number of Pakistani people) to harm and the risk of violent terrorism. The ethics of special responsibilities state that

¹¹⁹ Christine Fair, 'U.S.-Pakistan relations: ten years after 9/11' in Joachim Krause and Charles Mallory (eds.), *Afghanistan, Pakistan and Strategic Change: Adjusting Western Regional Policy* (Abingdon: Routledge, 2013), pp. 232-233.

¹²⁰ Bukovansky et al., *Special Responsibilities*, p. 220.

[W]here the most capable agents have knowingly exposed particular constituencies to harm or risk of harm, and have also derived benefits from such actions at the expense of those who are made vulnerable, then they should be required to do all that they can, within the full limits of their capability, to prevent risk of harm or alleviate harm.¹²¹

7. Conclusion

This article aimed to specify the responsibility for the side-effect harms resulting due to the actions of great powers by constructing a set of criteria derived from the English School and Constructivism.¹²² The main objective of this paper was to make a contribution to the IR theoretical debate by establishing a theoretical framework consisting of a set of yardsticks to study the issue of double effects and side-effect harms of great powers' policies. By doing so, the article has bridged a gap in the literature on the subject and it has also helped us better understand the way responsibilities of great powers can be specified in different circumstances. Furthermore, this contribution has highlighted the need to broaden how responsibility for a state's actions can be defined. Responsibility and its link to intentional causality is only half of the picture.¹²³ The argument here has advanced the case for examining responsibility according to the yardsticks of 'capacity', 'historical precedent', 'voluntarism' and 'unintentional causality' (rather than just 'intentional causality'). The set of yardsticks discussed in this paper could be applied to any number of real-life cases of any great power (including China, the US, the UK or Russia).

Here one relevant question is: what are the consequences of seeing responsibility in a number of ways? Does the study of the societal consequences of American drone strikes lead us to ask whether there is a need to revise the drone policy? The answer to that question is 'yes.' The Obama administration has come to increasingly rely on drones and they seem to be used in place of a coherent, long-term strategy concerning the AfPak region. Cronin has rightly

¹²¹ Ibid, p. 223.

¹²² The author is grateful to one of the anonymous reviewers of this paper for this point.

¹²³ Ibid, p. 59.

asserted that drones are a short-term tactical solution to a problem that requires a comprehensive strategy.¹²⁴ Plaw and Fricker are critical of the drone policy that targets high-value targets as well as low-level militants because they may ‘increase resentment and hostility both locally and across Pakistan... [and may]...undermine the fragile international legitimacy of the campaign.’¹²⁵ Ultimately, the US policy makers need to realise that as they have a responsibility to protect American citizens from harm, they also have a responsibility to actively try and minimise harm to the citizens of Pakistan and this contribution has made a case for seeing great power responsibility in such a way.

¹²⁴ Cronin, ‘Why drones fail,’ p. 46

¹²⁵ Avery Plaw and Matthew Fricker, ‘Tracking the predators: Evaluating the US drone campaign in Pakistan,’ *International Studies Perspectives*, 13(4), 2012, p. 347.